

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	
)	No. 4:10-CR-648 ERW
)	
ALLEN DEAN RITCHIE,)	
)	
Defendant.)	

SENTENCING HEARING

BEFORE THE HONORABLE E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

JUNE 28, 2011

APPEARANCES:

For Plaintiff: Tracy L. Berry, Esq.
OFFICE OF U.S. ATTORNEY
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St. Louis, MO 63102

For Defendant: Michael Dwyer, Esq.
OFFICE OF FEDERAL PUBLIC DEFENDER
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REPORTED BY: SHANNON L. WHITE, RMR, CRR, CSR, CCR
Official Court Reporter
United States District Court
111 South Tenth Street, Third Floor
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PRODUCED BY COURT REPORTER COMPUTER-AIDED TRANSCRIPTION

(PROCEEDINGS STARTED AT 4:04 PM.)

(THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN COURT AND WITH
THE DEFENDANT PRESENT:)

THE COURT: Good afternoon. I know you have family members today because they have been patiently waiting for you, so good for you.

THE DEFENDANT: Yes, sir. Thank you.

THE COURT: The case I'm calling now is United States of America v. Allen Dean Ritchie. The number is 4:10-CR-00648-ERW.

Is the United States ready?

MS. BERRY: Yes, Your Honor.

THE COURT: Is defendant ready?

MR. DWYER: Yes, Your Honor. Thank you.

THE COURT: Have you received and reviewed a copy of the presentence report in this case, Ms. Berry?

MS. BERRY: I have, Your Honor. We have no objections.

THE COURT: Mr. Dwyer, have you, sir, and has Mr. Ritchie received and reviewed a copy of the report?

MR. DWYER: We have received it and reviewed it, Your Honor. We have no objections.

THE COURT: All right. Thank you. I want to outline generally what I believe the procedure will be today that we shall follow. I will be making calculations under the United

1 States Sentencing Guidelines, but I need to say on the record
2 I recognize the guidelines are advisory and not mandatory
3 since January 12, 2005, when the United States Supreme Court
4 declared that they were, in part, unconstitutional.

5 I will consider the impact of the parties' plea
6 agreement on any sentencing issues. I will hear evidence that
7 the United States or Mr. Ritchie want to present. I will hear
8 statements of counsel and of Mr. Ritchie if you care to speak,
9 sir.

10 I will decide whether there should be any departure
11 under the guidelines. I will then look at the factors under
12 18, United States Code, 3553(a) to decide whether to impose a
13 guideline sentence or a nonguideline sentence.

14 Those factors include the nature and circumstances of
15 the offense and history and characteristics of Mr. Ritchie,
16 the need for the sentence imposed to reflect the seriousness
17 of the offense, to promote respect for the law, and to provide
18 just punishment for the offense, to afford adequate deterrence
19 to criminal conduct, to protect the public from further crimes
20 that Mr. Ritchie might commit, to provide him with needed
21 educational or vocational training, medical care, or other
22 correctional treatment in the most effective manner. I'll
23 consider all kinds of sentences available and the need to
24 avoid sentencing disparity among similarly situated defendants
25 facing similarly situated offenses.

1 If -- the Court adopts as true the factual statements
2 contained in the presentence report as its findings of fact.
3 The 2010 version of the guideline manual was used. The
4 guideline for violation of 18, United States Code, 1028(a)(7)
5 and 2 is found in 2B1.1(a) of the manual. The base offense
6 level is 6. Two levels are added under a stipulation of the
7 parties that the loss was more than \$5,000 but less than
8 \$10,000.

9 Because the offense involved more than ten victims,
10 including the following: Washington University, Truman Bank,
11 RL, CN, JC, MZ -- I'll slow down a little -- KG, RD, RE, TI,
12 MR, AS, and JR, two levels are added under 2B1.1(b)(2)(A).

13 Two levels are added because the defendant abused a
14 position of trust by exceeding and abusing his position to
15 obtain and use without authority a means of identification
16 under 3B1.3 and Application Note 2(B).

17 Two levels are reduced for full and timely acceptance
18 of responsibility under 3E1.1(a). The total offense level is
19 10. The criminal history category is as high as it can be, 6.
20 And the range is from 20 months to 30 months; is that correct?

21 MS. BERRY: That's correct, Your Honor.

22 MR. DWYER: Yes, Your Honor.

23 THE COURT: Okay. Will there be evidence by the
24 United States?

25 MS. BERRY: No, Your Honor.

1 THE COURT: By the defendant?

2 MR. DWYER: No, Your Honor. Thank you.

3 THE COURT: All right. At this time do you know of
4 any reason why I should not sentence you, Mr. Ritchie?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: I need to note that I do have the
7 victim -- some victim statements. Okay. I will hear first
8 from Ms. Berry, then from Mr. Dwyer, and finally from you,
9 sir, if you care to make a statement.

10 MS. BERRY: Your Honor, if I may have a moment,
11 please?

12 THE COURT: Sure.

13 MS. BERRY: Your Honor, the Government is not
14 requesting a sentence above the guideline range, but we are
15 requesting a sentence at the top end of the guideline range,
16 primarily because the defendant's criminal history. He has 20
17 criminal history points. He has a long history of deceit in
18 his employment as well as deceit that led to the criminal
19 conduct for which he received points.

20 We would also note, Your Honor, that we would request
21 a sentence -- that the sentence include three years of
22 supervised release. We're not requesting a sentence above the
23 guideline range primarily because in this case, Your Honor, in
24 reviewing the pretrial services report, because that was part
25 of the case in that -- at that end, as well as the presentence

1 report, Mr. Ritchie tends to tell untruths for things that
2 really don't have any bearing. For instance, the fact that he
3 was a consultant for Cleaning Concepts. The owner of Cleaning
4 Concepts says no, he never worked for them. When he said that
5 he had his real estate license. The information provided
6 about his graduation from Southwest Missouri State. These are
7 things that there really does not seem to be a basis.

8 So we would ask for that three years of supervised
9 release, a special condition of mental health treatment and
10 counseling, and hopefully those things, in addition to a
11 sentence at the high end of the guideline range, will
12 rehabilitate as well as punish the defendant and deter any
13 future conduct, but I don't see that a sentence above the
14 guideline range would meet those sentencing objectives any
15 more than a sentence at the range of 30 months.

16 THE COURT: Okay. What about all these state
17 sentences? Is he going to be serving time on the state
18 sentences?

19 MS. BERRY: Your Honor, I believe the state sentences
20 have -- he's already served time. I don't know that -- he's
21 got some pending revocations, but I do not know what the state
22 intends to do about those.

23 THE COURT: Okay. Mr. Dwyer?

24 MR. DWYER: Your Honor, let me address that for you.
25 Mr. Ritchie is to appear in state court tomorrow to deal with

1 the revocations that are pending. I spoke with Nick Zotos,
2 who represents him in state court, this morning, and he
3 indicated that they have a date with Judge Wilson tomorrow.

4 Mr. Ritchie is in federal custody right now so that
5 there really isn't anything this Court can do to get him into
6 state custody. Judge Wilson, if he chooses to, may end up
7 running time concurrently or consecutively. We anticipate
8 concurrent time, but that's something that he can do.

9 There really isn't anything the Court -- this Court
10 can do in terms of ordering a sentence, vis-a-vis the state
11 sentences -- because he is in federal custody, there is no
12 mechanism to get him into state custody to serve any time
13 there until he completes whatever sentence this Court imposes.

14 So I think the 5G1.3 issue is essentially moot;
15 although, as the presentence notes, the relevant conduct in
16 this case included conduct that was part of the state
17 offenses, so -- but I didn't mean to interrupt.

18 THE COURT: No. Go ahead.

19 MR. DWYER: Your Honor, we obviously don't have any
20 objection to whatever term of supervised release the Court
21 imposes. In fact, you know, I think supervised release may be
22 key in this case because it's going to give Mr. Ritchie a
23 chance to participate in the kind of supervision that now
24 exists in the Eastern District of Missouri.

25 There are resources. There is real supervision. And

1 I mean no disrespect to the state parole and probation
2 officers, but their caseloads are such that supervision is
3 oftentimes in the St. Louis area not a very stringent or
4 onerous thing. And as this Court knows, the probation
5 officers do an excellent job of supervising to assist people
6 in succeeding in the community and supervising to ensure that
7 they don't get into trouble, and promptly notify the court if
8 they do.

9 The mental health resources that will be available,
10 the job placement resources that will be available will
11 obviously benefit Mr. Ritchie and assist him in paying the
12 restitution we know the Court is going to order.

13 You know, at every sentencing there is an elephant in
14 the room, and in Mr. Ritchie's case the elephant is obviously
15 his criminal history, but actually, I think the elephant in
16 the room is standing next to me wearing orange because the
17 question I'm sure that's on everybody's mind that encounters
18 Mr. Ritchie is: When is he going to begin to realize the
19 potential that he has?

20 Nobody who has worked with him, nobody who has
21 encountered him would doubt that that potential exists. He's
22 a very bright young man. He's personable. He can be very
23 charming. He makes a good impression when you first meet him.
24 All of those things should be components of success, and it's
25 very obvious that they have not been components of success.

1 I'm asking the Court today to impose a guideline
2 sentence. The guideline range is 24 to 30 months. I don't
3 think anything is going to happen in the six months between
4 the low end of the range and the top end of the range that
5 would suggest that the Court should sentence at the top end of
6 the range.

7 And I would point out something that is, I think,
8 important, and that is that Mr. Ritchie has now been in
9 custody for six months. That six months of custody has been
10 at the St. Louis City Jail. For very obvious reasons, Mr.
11 Ritchie is not the usual -- is anomalous, shall we say, in the
12 population of the St. Louis City Justice Center, and it has
13 been a very, very difficult period for him.

14 The jail is on lockdown. The jail is populated by
15 people who are extremely different from Mr. Ritchie in many
16 ways, and it has been very hard for him to deal with the
17 situation at the jail since December 28 of last year.

18 And that confinement at that facility is going to
19 persist probably for somewhere around two more months as the
20 Bureau of Prisons evaluates him for designation and
21 transportation arrangements are made to move him to the Bureau
22 of Prisons. So he will have served a substantial portion of
23 his court sentence under the most onerous kinds of conditions
24 that are available.

25 I mean, as the Court is well aware, time in local

1 facilities is much more difficult than time in a Missouri
2 Department of Corrections facility or a Federal Bureau of
3 Prisons facility, and that is particularly true of the St.
4 Louis City Justice Center.

5 I would ask for a sentence at the low end of the
6 guideline range. I would ask the Court not to impose a fine
7 given the restitution obligations that will be owing, and I
8 would ask the Court to impose whatever term of conditions of
9 supervised release it believes are appropriate.

10 THE COURT: A couple of things. How do I respond to
11 Ms. Berry intelligently and objectively, based on Mr.
12 Ritchie's criminal history, when one of the elements of
13 3553(a) is to protect the public from further crimes? Mr.
14 Ritchie, he really has had his hands in somebody else's pocket
15 going all the way back to 2001.

16 As you know, I like to end all sentencing procedures
17 on a positive note because I have an unfailing belief that
18 people can have better lives not only for themselves, but for
19 their families and others. And maybe it's the mental health
20 component that Ms. Berry raises that may be the solution to
21 this problem, but Mr. Ritchie is kind of a dangerous guy. I
22 mean in terms of him cheating other people, he seems like he
23 just can't help it.

24 MR. DWYER: Your Honor, looking at this presentence
25 investigation report, looking at his criminal history, I don't

1 think there's anyone that wouldn't draw the same conclusions
2 that you have and wonder in the same fashion, as the Court
3 has, whether Mr. Ritchie is capable of living without
4 committing a crime, because over the last ten years or so he's
5 not been able to do that.

6 I think a couple of things stood out to me. One is
7 he's getting punished now. And he's kind of skated in and out
8 of the city and state justice systems. The supervision is
9 different in the state supervision. And he's not endured a
10 long stretch of time in any of the facilities where he's been
11 incarcerated, and he's never been incarcerated at the St.
12 Louis City Justice Center before. So to the extent that
13 incarceration sends a wake-up call and catches one's
14 attention, it's caught Mr. Ritchie's.

15 There is no life sentence available. At some point
16 Mr. Ritchie is going to come back to the community and he's
17 going to have to make a life, and the test is really going to
18 be up to him. That's why I said I think the elephant in the
19 room, the ponderable question here is not as much his prior
20 criminal history -- I guess all criminal history is prior --
21 his criminal history, but whether and when he's going to
22 realize the potential that he has to live as a honest and
23 law-abiding person.

24 As the Court can see just looking at his family here
25 today and from reading the presentence investigation report,

1 this is a young man who comes from a good background and has
2 the potential to do the right things. I don't -- if there
3 were a mental health issue that I could bring to the Court's
4 attention, I would have done so, but he has had various
5 diagnoses. I thought very seriously about having him
6 evaluated during the course of our representation and frankly
7 decided that the potential benefit was outweighed by the
8 potential harm.

9 I think that probation is probably going to insist
10 that he seek counseling when he's on supervised release, and I
11 would suggest that that's well advised, but the test is going
12 to come when he's on supervised release as to whether he can
13 meet the conditions and live a law-abiding life.

14 And when he gets there, he's going to arrive at that
15 point after a considerable period of punishment with time to
16 reflect that he can either spend the rest of his life in and
17 out of jails or he can turn 180 degrees and go in the other
18 direction. I think he's ready to do that. The question, of
19 course, is: Will he do that when he meets supervised release?
20 I think given the severe punishment involved in this case and
21 the supervision of the probation office, that that's our best
22 hope for his future.

23 THE COURT: Do you believe he understands that on
24 supervised release I maintain a very watchful eye on people
25 under supervision, and if I see him stealing while he's on

1 supervision here, that he will have a whole new idea about how
2 fast the criminal justice systems works in terms of getting
3 him arrested? Do you think he understands that?

4 MR. DWYER: I hope so, Your Honor. I've certainly
5 explained it to him. And I don't -- I may have Jan Good talk
6 to him.

7 THE COURT: Well, I wouldn't want to talk to her.
8 She scares me to death.

9 MR. DWYER: But I've tried to channel Jan in my
10 conversations with Mr. Ritchie because of my respect for her
11 and because she is so effective at communicating with her
12 clients, and I hope that the message has been received, Your
13 Honor.

14 THE COURT: Okay.

15 MS. BERRY: Your Honor, to address the issue of
16 protecting the public, may I suggest that as a condition of
17 supervised release, that with regard to his employment at
18 least, that he not participate in any employment where he
19 would have access to people's identifying information, means
20 of identification, access device? At least that temptation
21 would be removed.

22 THE COURT: I think that's an excellent idea, yeah.
23 Okay.

24 You're not required to speak, but this is your
25 opportunity to do so, and I'll hear anything you have to say,

1 sir.

2 THE DEFENDANT: Okay. Thank you. I'm a little
3 nervous, so excuse me. Your Honor, I would like to take this
4 time first to apologize to a few people. The staff at Lewis
5 Rice, the extra work and time that my actions have caused, I'm
6 truly sorry.

7 For the alumni staff at Washington University, alumni
8 relations showed me a work environment that I truly loved.
9 Washington University was an extremely wonderful gift that I
10 took for granted. Words can't express how truly sorry I am
11 for that. But mostly, Your Honor, to my friends and family,
12 probably because --

13 THE COURT: Take your time. Take your time. We're
14 in no hurry today.

15 THE DEFENDANT: Probably just because they're the
16 ones I hurt the most. And I'm truly sorry for that. Your
17 Honor, the last six months at the justice center have probably
18 been the worst time -- one of the worst times in my life. The
19 wickedness there is something that I never want to see again.

20 I'm tired of hurting people. I'm tired of hurting my
21 parents. I'm tired of hurting myself. I'm tired of putting
22 myself in this position. You know, I don't -- you know, I
23 don't -- excuse me. I don't want to erase my mistakes. I
24 mean, I feel bad about my mistakes, but I want to -- I don't
25 want to consider them mistakes. I want to remember them so I

1 don't make them again.

2 You know, I don't ever -- no offense to you or the
3 Court -- I ever want to see the inside of a courtroom again --
4 or the justice center, for that matter. And I know that if I
5 do something like that again, that's where I'm going to wind
6 up.

7 You know, I see my mother, my father in the courtroom
8 today. Excuse me. I see how much I've hurt them, and I don't
9 want to do that anymore. And you know, I want my freedom. I
10 want to enjoy life, and I don't want to keep on doing this.
11 It's just not what I want, and especially hurting people.

12 THE COURT: Okay. All right. I have to look at the
13 factors in 18, United States Code, 3553(a), first at the
14 nature and circumstances of the offense. Identity theft is a
15 very serious offense. I've had some experience with that up
16 close and personal. My wife has had her identity stolen
17 twice, and unraveling that is just a monstrous problem, and so
18 it is a very serious offense. I understand it from a personal
19 perspective.

20 It needs to reflect the seriousness of the -- strike
21 that. I need to consider also your history and
22 characteristics. Reared in a loving family and adoptive
23 family. Adopted when you were ten years old. Your biological
24 father was abusive physically and verbally. Your mother is an
25 accountant. You have not seen nor been with your biological

1 father since you were ten years old.

2 You describe your work relationship as good, having
3 been reared by your mother and stepfather. Your employment
4 history is really quite remarkable. I write on these things
5 down on this piece of paper. This part over here is allowed
6 for employment. Well, you exploded that. You go clear over
7 here to the next section.

8 You worked at the Copia Urban Winery and Market,
9 earning \$2,100 a month; Lewis Rice, earning \$21,849 a year;
10 Washington University, \$33,500 a year; Elsevier Publishing
11 Company, \$34,500; May Company, \$32,000 a year; Arbor
12 Consulting, Anheuser-Busch, \$28,000 a year; InterPark
13 Incorporate, \$12,951 a year. High school, some college.

14 Started drinking when you were 16, but alcohol is not
15 a serious problem. You used marijuana four times, used powder
16 cocaine ten times before 2007, ecstasy one time -- once a
17 month for six months.

18 Your criminal history is very substantial. Forgery
19 in 2001. 2002, Counts 1 through 6 stealing. A 2002 forgery.
20 A 2003 stealing. 2003, Counts 1 and 2 forgery. 2003 DWI.
21 2003, Counts 1 and 2 forgery. Count -- 2007, stealing by
22 deceit.

23 So there is a pattern that perhaps mental health can
24 address, certainly can address. Hopefully, it can be
25 effectively addressed. You have a history of bipolar

1 disorder, other issues I'll not raise on the record.

2 I have to impose a sentence that reflects the
3 seriousness of the offense, that promotes respect for the law,
4 and to protect and provide just punishment for the offense,
5 one that affords adequate deterrence from criminal conduct,
6 one that protects the public from further crimes that you
7 might commit. And that's the one that causes me some problems
8 more than any. To provide you with needed educational,
9 vocational training, medical care, mental health treatment,
10 drug treatment in the most effective manner.

11 I need to consider all kinds of sentences available,
12 and I need to avoid sentencing disparity among similarly
13 situated defendants facing similarly situated offenses.

14 Under the Sentencing Reform Act of 1984 and the
15 provisions of 18, United States Code, 3553(a), it is the
16 judgment of the Court that Allen Dean Ritchie is hereby
17 committed to the custody of the Bureau of Prisons to be
18 imprisoned for a term of 27 months.

19 Upon release from imprisonment, you shall be placed
20 on supervised release for a term of three years. Within 72
21 hours of your release from the custody of the Bureau of
22 Prisons, you shall report in person to the probation office in
23 the district to which you are released.

24 You are ordered to make restitution to victims in the
25 amount of \$7,455.82. These are public victims whose names --

1 which names can be stated on the record. Washington
2 University, Christopher Goddard, G-O-D-D-A-R-D, One Brookings
3 Drive, Box 1058, St. Louis, Missouri 63130. \$5,203.

4 Truman Bank, attention Stacey Stewart, 7151 Natural
5 Bridge, St. Louis, Missouri 631 -- missing a digit on that
6 one. I'm not sure about the zip code. \$2,044.71.

7 MS. BERRY: Your Honor, 63101.

8 THE COURT: Thank you. Victim RL, 277 Maple Drive,
9 Missouri 63026, \$208.11. All criminal monetary penalties are
10 due in full immediately. The defendant shall pay all criminal
11 monetary payments through the clerk of the court.

12 If you do not pay in full immediately, then you shall
13 make payments under the following minimum payment schedule.
14 During incarceration it's recommended that he pay criminal
15 monetary penalties through the installment plan in accordance
16 with the Bureau of Prisons Inmate Financial Responsibility
17 Program at the rate of 50 percent of the funds available to
18 him.

19 If he owes any criminal monetary penalties when
20 released from incarceration, then he shall make payments in
21 monthly installments of at least \$150, no less than 10 percent
22 of his gross earnings, whichever is greater, with payments to
23 begin no later than 30 days after release from imprisonment.

24 Until all criminal monetary penalties are paid in
25 full, he shall notify the court and this district's United

1 States Attorney's office financial litigation unit of any
2 material changes in his economic circumstances that might
3 affect his ability to pay criminal monetary penalties.

4 He shall notify this district's United States office
5 finance litigation unit of any change of mailing or residence
6 address that occurs while any portion of the criminal monetary
7 penalties remain unpaid.

8 It is recommended that he participate in the
9 financial responsibility program while incarcerated.

10 While on supervision he shall comply with the
11 following standard conditions that have been adopted by this
12 court and shall comply with the following additional
13 conditions:

14 He shall refrain from any unlawful use of a
15 controlled substance and submit to a drug test within 15 days
16 of the beginning of supervision and at least two periodic drug
17 tests thereafter for use of a controlled substance.

18 He shall participate in a substance abuse treatment
19 program approved by the United States Probation Office, which
20 may include substance abuse testing, counseling, residential
21 reentry center, placement in residential or inpatient
22 treatment. He shall pay the costs associated with substance
23 abuse services based on a co-payment fee established by the
24 probation office.

25 He shall participate in the mental health program

1 approved by the probation office. And by the way, under --
2 back to the -- Melanie, this is for you. I'm ordering mental
3 health while in the Bureau of Prisons, mental health
4 evaluation and treatment, and the R-DAP program.

5 He shall participate in a mental health program
6 approved by the probation office and pay costs associated with
7 the services provided based on a co-payment fee established by
8 the probation office.

9 He shall participate in a vocational services
10 program, which may include job readiness training and skills
11 development training as directed by the probation office and
12 pay the cost associated with these services based on a
13 co-payment fee established by the probation office.

14 He shall participate in a cognitive behavioral and
15 treatment program as directed by the probation office and pay
16 costs associated with these services based on a co-payment fee
17 established by the probation office.

18 He shall provide the probation office and the
19 financial litigation unit of the United States Attorney's
20 office access to any requested financial information. He's
21 advised that the probation office may share financial
22 information with the financial litigation unit.

23 He shall be prohibited from incurring new credit
24 charges or opening additional lines of credit without the
25 approval of the probation office so long as there is a balance

1 on the court-imposed financial obligation.

2 He shall apply all monies received from income tax
3 refunds, lottery winnings, judgments, or other anticipated or
4 unexpected financial gains to the outstanding court-ordered
5 financial obligation and immediately notify the probation
6 office of the receipt of any indicated moneys.

7 He shall submit his person, residence, office,
8 computer, or vehicle to a search or searches conducted by the
9 probation office based on a reasonable suspicion of contraband
10 or evidence of a violation of a condition of his release and
11 warn any other residents that the premises will be subject to
12 searches under this condition.

13 He has no ability to pay a fine. He has a negative
14 net worth of \$7,219. No fine is imposed. He must pay
15 restitution.

16 At the very first part of the conditions of
17 supervised release, Melanie, and concerning all employment, he
18 is prohibited from having access and employment to individual
19 identification information and financial records and cash held
20 by the company at all times without consent of the probation
21 office.

22 It is ordered that he pay a special assessment of
23 \$100, which shall be due and payable immediately.

24 I look forward to your early discharge from
25 supervised release without incident, but that's going to be

1 entirely up to you. I wish you well. I certainly have a lot
2 of respect for your parents who are here. I suspect that they
3 have been in court with you before. And I can tell you they
4 were here quite a while before you arrived, so they haven't
5 given up on you, and there's no reason they should. Good luck
6 to you.

7 Court is in recess.

8 **(PROCEEDINGS CONCLUDED AT 4:40 PM.)**
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CERTIFICATE

I, Shannon L. White, Registered Merit Reporter and Certified Realtime Reporter, hereby certify that I am a duly appointed Official Court Reporter of the United States District Court for the Eastern District of Missouri.

I further certify that the foregoing is a true and accurate transcript of the proceedings held in the above-entitled case and that said transcript is a true and correct transcription of my stenographic notes.

I further certify that this transcript contains pages 1 through 23 inclusive and that this reporter takes no responsibility for missing or damaged pages of this transcript when same transcript is copied by any party other than this reporter.

Dated at St. Louis, Missouri, this 10th day of January, 2012.

/s/Shannon L. White
Shannon L. White, RMR, CRR, CCR, CSR
Official Court Reporter